

Audit, Governance & Standards Committee

Thursday, 14th April, 2022

MINUTES

Present:

Councillor Juliet Brunner (Vice-Chair) and Councillors Salman Akbar (present for items 43 - 48), Tom Baker-Price, Luke Court, Julian Grubb, Emma Marshall and Timothy Pearman

Also Present:

Jackson Murray – Engagement Lead for Grant Thornton

Officers:

Peter Carpenter, Clare Flanagan and James Howse

Democratic Services Officers:

Jo Gresham

43. NEW MODEL CODE OF CONDUCT

The Principal Solicitor presented the New Model Code of Conduct report and explained the history of the adoption of a new model code and reminded Members that they had been informed that this item would be considered at the last meeting of the Committee. In addition to this, the following was also highlighted for Members' consideration:

- Members had previously expressed a preference for the New Model Code of Conduct that applied across all tiers of local government throughout the County. At a previous meeting of the Committee, it had been agreed that all Monitoring Officers across the County would consider feedback from the Committee and other Committees in Worcestershire in order

Chair

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to produce a pan-Worcestershire code for consideration and adoption.

Following the presentation of the report Members indicated that they wished to make two amendments to the New Model Code of Conduct.

The proposed amendments were as follows:

Amendment 1

That the text underlined below be removed from the New Model Code of Conduct:

“Respect means politeness and courtesy in behaviour, speech and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor **engaging in a political debate** with other councillors you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not however, subject individuals, groups of people or organisations to personal attack.”

Therefore, the paragraph would read:

“Respect means politeness and courtesy in behaviour, speech and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not however, subject individuals, groups of people or organisations to personal attack.”

Amendment 2

That the text underlined below be removed from the New Model Code of Conduct:

“The robust manner in which councillors engage with each other during political debate is not appropriate when engaging

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with local authority employees, employees and representatives of partner organisations and those volunteering for the local authority. As strategic leaders and employers, it is expected that councillors will set a positive example to staff by treating them with politeness and courtesy at all times.

And be replaced with the following statement, as detailed in the protocol on Member and Officer relations contained within the Council's Constitution:

“Councillors have the right to criticise reports, or the actions taken by officers but they should always be constructive, relate to the subject matter of the report and should not be personal”

There was detailed discussion regarding the amendments which included consideration of the following in respect of the first proposed amendment:

- Members should be permitted to engage in robust debate with members of the public and as elected Members had a right to reply when challenged in public. It was felt by some Members that the wording suggested within the proposed New Model Code of Conduct stifled this right. Members were clear that this kind of debate should always be carried out in a respectful way. The Principal Solicitor explained that this paragraph had not been included to isolate Councillors and prevent robust debate with other Councillors but more to highlight the need for respect between Councillors as most complaints received by the Monitoring Officers were between Members. In respect of robust debate with the public it was explained that the Code of Conduct was followed as elected Members were expected to behave with high standards in public office. This paragraph contained within the new Model Code of Conduct had been included in order to highlight to Members that some behaviours on social media platforms could be considered less than acceptable.

In respect of the second proposed amendment the following was considered by the Committee:

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- The potential power imbalance between officers and Members, particularly less senior members of staff. It was explained to the Committee that the inclusion of the paragraph regarding robust debate with local authority employees or employees and representatives of partner organisations and those volunteering for the local authority was designed to ensure that despite the potential imbalance courtesy was shown at all times when engaging in debate with Officers. Some Members felt strongly that Officers should be criticised, when necessary, in a respectful manner and when appropriate. There was a suggestion that the word 'criticise' be amended to read 'challenge' however this was dismissed by Members as they felt that, although there was a subtle difference, Members should have the right to criticise officers when necessary.

Following the detailed discussion there was a suggestion, in respect of amendment 2, that a combination of the paragraph included in the new Model Code of Conduct and the existing protocol be considered. This would result in amendment 2 being proposed as follows:

“As strategic leaders and employers, it is expected that councillors will set a positive example to staff by treating them with politeness and courtesy at all times. Councillors have the right to criticise reports, or the actions taken by officers, but they should always be constructive, relate to the subject matter of the report and should not be personal.”

Members agreed that this would be acceptable. On being put to the vote the following amendments were agreed for inclusion in the Worcestershire-wide new Model Code of Conduct:

“Respect means politeness and courtesy in behaviour, speech and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not however,

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subject individuals, groups of people or organisations to personal attack.”

“As strategic leaders and employers, it is expected that councillors will set a positive example to staff by treating them with politeness and courtesy at all times. Councillors have the right to criticise reports, or the actions taken by officers, but they should always be constructive, relate to the subject matter of the report and should not be personal.”

RECOMMENDED that

Subject to the amendments above the Worcestershire-wide draft Code of Conduct and its appendices, be adopted by the Council.

The Meeting commenced at 7.00 pm
and closed at 9.21 pm